

United States Bankruptcy Court
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In re:	:	
KRAZE BETHESDA, LLC	:	Case No. 13-15602-BFK
	:	(Chapter 11)
Debtor	:	
ELM STREET ASSOCIATES, LLC,	:	
Movant	:	
v.	:	
KRAZE BETHESDA, LLC,	:	
Respondent.	:	

**RESPONDENT'S ANSWER TO MOVANT'S MOTION FOR RELIEF FROM THE
AUTOMATIC STAY**

COMES NOW the Debtor/Respondent, KRAZE BETHESDA, LLC, and responds to the allegations set forth in the Movant's Motion for Relief from the Automatic Stay as follows:

1. The Debtor filed its petition for relief pursuant to Chapter 11 of Title 11 of the United States Code on December 17, 2013, and has remained in possession of its property and in control of the conduct of its business affairs since that time.
2. The Motion fails to properly assert the amount of post-petition rent owed by the Debtor to the Landlord. Specifically, the Movant has included the sum of \$9,923.09 in rent for the premises for the period of December 17, 2013 through December 31, 2013.
3. The total sum of \$20,502.26 in rent for the month of December 2013 was due on or about December 1, 2013, and this Debtor included that sum as part of its pre-petition debts.

4. The automatic stay, arising under section 362 of the Bankruptcy Code, operates as a stay of the commencement or continuation of judicial, administrative, or other action or proceeding against the debtor that could have been commenced before the commencement of the case to recover a claim against the debtor that arose before the commencement of the bankruptcy case, and acts as a stay of any act to obtain possession of property of the estate, or of property from the estate, or to exercise control over property of the estate.

5. The alleged pro-rated amount of \$9,923.09, described by the Movant as monthly base rent for the period of December 17, 2013 through December 31, 2013, was incurred by the Debtor as of December 1, 2013, and as such, is a pre-petition debt.

6. The Movant failed to provide sufficient evidence it incurred attorneys fees which should be paid by the Debtor.

WHEREFORE the Debtor/Respondent, KRAZE BETHESDA, LLC, respectfully requests this Court enter such order as is just and proper regarding the amount of the post-petition obligation owed the Movant, and such further relief as this Court deem just and proper.

KRAZE BETHESDA, LLC
By Counsel

/s/
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CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of January, 2014, I electronically filed Kraze Bethesda, LLC's Response to Motion for Relief from Automatic Stay with the clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to registered ECF filers. Additionally, a copy of this Response to Motion was mailed via first class, postage prepaid, to Bradley D. Jones, Office of the United States Trustee, 115 South Union St., Suite 210, Alexandria, Virginia 22314-3361 and to all creditors and parties in interest as set forth the attached service list.

/s/
Bhavik D. Patel

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